



Committee on Ordinances

July 25, 2007 – 7:00 pm – **Agenda**
City Council Chamber, Room 214, Municipal Building

View Minutes

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1. Public Hearing, on a Written Motion, Councillor Koczera, asking that the City's Zoning Ordinance be amended to designate and include a new Mill Overlay District, located within the block bounded by Nash Road, Edison Street, Belleville Road, and Brook Street; the intent of this new Overlay District would be to allow mixed uses of the properties in that area to occur, including residential use, by a Special Permit, granted by the Zoning Board of Appeals. (Ref'd 6/14/07, duly advertised in The Standard-Times on July 11th and July 18th)

INVITEES: City Planner, David Kennedy; Atty. David J. Gerwatowski; City Solicitor, Atty. Irene B. Schall

2. Written Motion, Councillor Pimental, requesting that the City Council's Legal Counsel, and the Committee on Ordinances work with the City Solicitor to develop a City Ordinance pertaining to WINDMILLS in the City of New Bedford. (Ref'd 10/26/06)

INVITEES: Atty. David J. Gerwatowski; City Solicitor, Atty. Irene B. Schall

3. Written Motion, Councillor Saunders, asking that Use Variances be granted in the City of New Bedford, under limited circumstances where a hardship has been demonstrated, due to the fact that, when recodification happened in December 2004, the City Council was sold on the plan because certain sections of the City were to be rezoned by the Planning Board, and this said rezoning has not been acted on in the last 23 months by the Planning Board. (Ref'd 11/09/06)

INVITEES: City Planner, David Kennedy

4. Written Motion, Council President Pimental, asking that the City Council of New Bedford place a Non-Binding Referendum Question, on the November 2008 Ballot, asking the Citizens of New Bedford, ONCE AGAIN (previous vote was a "YES"), for their input on whether or not the location of a Casino in the City of New Bedford should be pursued; further, that Election Commission Chairperson Maria Tomasia submit information to the Council President as to the guidelines/process and timeline of Referendum Questions to be placed on the next Municipal Ballot, so we may efficiently advance the issue of a Casino being located in the City of New Bedford; and further, that Rule 40 be waived so that the Mayor may approve this Motion as quickly as possible, enabling the City to go forward with respect to placing the question on the ballot to comply with the timeframe and due process allotted for submitting such Home Rule Amendment petitions, and so that the Citizens of New Bedford can, without doubt, voice their opinion to City Officials with a Yes or No vote to the ballot question, which may be worded "Plain and Simple" as follows: "Are you in Favor of a Casino being built/located in the City of New Bedford?" (Ref'd 2/22/07)

INVITEES: Election Commission, Chairperson, Maria Tomasia

5. Written Motion, Councillors Alves, and Gomes, asking that, in light of the City Council's commitment to try to reduce the high unemployment problem in the City of New Bedford, that the City Council Committee on Ordinances meet with the Staff of the New Bedford Economic Development Council, specifically requesting the Staff Members responsible for the monitoring to appear before the said Committee, to explain what process or what steps are in place to monitor companies that have been granted tax incentives at the recommendation of the EDC, and to explain how the recent situation at the Michael Bianco, Inc. (company) was allowed to continue without the local monitoring process identifying the illegal employment that has been alleged by Federal and State Authorities, in light of the fact that, the Grant is in its second year, and employment monitoring is a required condition for the financial assistance to continue, and is required as part of the EDC monitoring responsibility; and further, that the discussion also include what the City Council can do to assist and improve the monitoring process, to ensure job opportunities encouraged and supported by this City Council are provided to legal tax-paying residents of the City of New Bedford, as intended when Tax Incentive Financing and Special Tax Assessments are voted on and approved for local businesses by the City Council and the Mayor. (Ref'd 3/8/07)

INVITEES: Matthew A. Morrissey, Executive Director, New Bedford Economic Development Council

6. Related Motion, Councillor Pina, asking that the City Council establish a Liaison Committee made up of agencies and organizations and City Council to monitor the State and Federal Government Contracts that come into the City of New Bedford. (Ref'd 3/8/07)
7. Written Motion, Councillor Alves, asking that the City of New Bedford DISCONTINUE FOXBOROUGH STREET, between Wilson Street and Pitman Street, in that the access is no longer needed or required for the safety of the neighborhood. (Ref'd 3/8/07)

INVITEES: Attorney David I. Gerwatowski; City Solicitor, Irene B. Schall; Acting City Engineer Duarte M. Andrade

8. Communication, Mayor Lang, to City Council, submitting request that SEARS COURT, from Purchase Street to Pleasant Street be DISCONTINUED. (Ref'd 2/8/07, referred to Ordinance from A & B 3/12/07)
- 8a. Communication, Duarte M. Andrade, Acting City Engineer, to Council President Pimental, submitting METES AND BOUNDS and MAP for the DISCONTINUANCE of SEARS COURT, from Purchase Street to Pleasant Street. (Ref'd 2/8/07, referred to Ordinance from A & B 3/12/07)
- 8b. AN ORDER, Requesting City Solicitor to prepare a LAYOUT ORDER prior to Hearing Date. (Ref'd 2/8/07, referred to Ordinance from A & B 3/12/07)
- 8c. AN ORDER, For HEARING on MARCH 08, 2007. (Ref'd 2/8/07, referred to Ordinance from A & B 3/12/07)

INVITEES: Attorney David I. Gerwatowski; City Solicitor, Irene B. Schall; Acting City Engineer Duarte M. Andrade

9. Written Motion, Councillor Pina, requesting that the City Solicitor and/or the Administration provide a detailed cost of all lawsuits, claims, judgments, and settlements that have been brought against the New Bedford Police Department in the last ten years, and those brought by members of the New Bedford Police Department. (Ref'd 3/22/07)

INVITEES: City Solicitor, Irene B. Schall; Representative of the Mayor

10. Written Motion, Councillor Gonsalves, requesting, that the Ordinance Committee, draft an Ordinance, to ban the sale of blunt wrappers in the City of New Bedford, pursuant to the request of Captain Joseph Cordeiro, of the New Bedford Police Department. (Ref'd 4/12/07)

INVITEES: Police, Captain, Joseph Cordeiro

Chairperson suggests "No Further Action" on the following items:

11. Written Motion, Councillor Gonsalves, requesting that the Planning Board be invited to a meeting of the Ordinance Committee to discuss possible legislation to prevent commercial developers from subdividing their existing commercial developments, in order to add more businesses, especially when those developments abut residential areas. (Ref'd 7/17/03, tabled 7/8/04, tabled 3/29/05, tabled 2/20/07)
12. Written Motion, Councillor Morad, requesting that the Committee on Ordinances, along with Scott Alfonse, Director of Environmental Stewardship, and Sarah Porter, Conservation Agent, create a watershed-based ordinance to protect all wetland areas within the City from potential pollution sources. (Ref'd 2/24/05, not heard 8/23/06, tabled 9/21/06, tabled 11/8/06)
13. Written Motion, Councillors Lawrence & Morad, requesting that the Committee on Ordinances meet with the Election Commissioner, Maria Tomasia to discuss changing the Code that would establish the Municipal Primary Election to be held in the first two weeks in September during each Municipal Primary Election year. (Ref'd 10/11/05, tabled 6/28/06, remain in committee 10/11/06)
14. Communication, Councillor Gonsalves, from The Reverend Mark Green, Sr., Pastor, Bethel, A.M.E. Church, requesting a Home Rule Bill to increase both the Offices of the Mayor and City Councillors to FOUR-YEAR-TERMS. (Ref'd 11/10/05, tabled 3/21/07)
15. Written Motion, Councillor Morad, requesting that the Committee on Ordinances amend Chapter 9, Section 3100, Subsection 3149, Parking and Loading, to strike the wording, "no fee of any kind shall be charged or imposed by the Special Permit Authority to the applicant of a Special Permit applied for under this Section." (Ref' 11/21/06, tabled 5/16/07)